



## U.S. Department of Justice

Gregory R. Miller  
United States Attorney  
Northern District of Florida

111 North Adams Street, 4<sup>th</sup> Floor  
Tallahassee, Florida 32301-1841  
Telephone (850)942-8430  
Fax (850)942-8429  
Please reply to: [Reply to]

21 East Garden St  
Pensacola, Florida 32502-5675  
Telephone (850)444-4000  
Fax (850)432-7763

300 East University Avenue, Suite 310  
Gainesville, Florida 32601-3330  
Telephone (352)378-0996  
Fax (352)371-1912

October 21, 2005  
Julian L. McPhillips, Jr.  
Attorney at Law  
McPhillips Shinbaum, L.L. P.  
516 South Perry Street  
Montgomery, Alabama 36104

**BY FACSIMILE TRANSMISSION**  
**HARD COPY BY U.S. MAIL DELIVERY**

Re: United States v. George David Salum III  
Case No. 2:05cr137-F

***JENCKS ACT MATERIAL - FED. R. CRIM. P. 11(C)(1)(C)***

Dear Mr. McPhillips:

This responds to your letter dated October 20, 2005, received this morning.

I am well aware of the both the Local Rules and the Standing Order on Criminal Discovery which guide production of *Jencks Act* material. 18 U.S.C. §3500. The Standing Order specifically states, "However, the government, and where applicable, the defendant, are requested to make such materials and statements available to the other party sufficient in advance as to avoid any delays or interruptions at trial. The court suggests an early disclosure of Jencks Act materials." The Order on Arraignment further states "the government agrees to provide defense counsel with all Jencks Act statements no later than the day scheduled for the commencement of the trial."

You incorrectly summarize my conversation with your assistant, Mr. Pettway. I did not advise Mr. Pettway "that (I) will not turn over any Jenks (*sic*) material, and that if we had issue with this we could appeal the matter to Judge Mark Fuller." I did tell Mr. Pettway that I will not turn over *Jencks Act* material over two weeks prior to the start of the trial, and that I will turn over *Jencks Act* material the day before the affected witness testifies. That practice exceeds the requirements of the *Jencks Act*, which does not require the Government to deliver material to you until after direct examination of the witness, is consistent with local practice in the Middle District of Alabama, and fully complies with the orders of the Court.

**Letter to Mr. McPhillips: U.S. v. Salum, 2:05cr137F**

**21 October 2005**

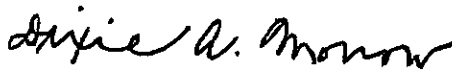
**Page Two of Two**

---

You previously advised me that Mr. Salum would, under no circumstances, enter a plea to a felony offense. If you are now interested in his doing so, I will confer with the United States Attorney. I do not expect to be able to speak with the United States Attorney about a Fed.R.Crim.P. 11(c)(1)(C) plea until Monday, October 24.

Sincerely,

GREGORY R. MILLER  
United States Attorney

  
DIXIE A. MORROW  
Assistant United States Attorney

cc: SA D. Keith Baker; USAO File